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|              | 0011471011             | ь.    | 001 001105   | Application Number     |               |  |
|              |                        |       | SCLOSURE     | Filing Date            | March 2, 2004 |  |
| STA          | ATEMENT B              | Y     | APPLICANT    | First Named Inventor   | McMurray      |  |
|              |                        |       |              | Group Art Unit         |               |  |
|              | (use as many shee      | ets a | s necessary) | Examiner Name          |               |  |
| Sheet 1 of 2 |                        |       | 2            | Attorney Docket Number | 1373-006      |  |

|                       |              |             |                                   | U.S. PATENT DOCU                                | JMENTS   |  |
|-----------------------|--------------|-------------|-----------------------------------|---|--|--|
| Examiner<br>Initials* | Cite<br>No.1 | U.S. Patent | Kind Code <sup>2</sup> (if known) | Name of Patentee or Applicant of Cited Document | Date of Publication of<br>Cited Document<br>MM-DD-YYYY | Pages, Columns, Lines,<br>Where Relevant<br>Passages or Relevant<br>Figures Appear |
|                       |              |             |                                   |   |  |  |
|                       |              | 5,702,343   |                                   | Alfemess  | 12/30/1997   |  |
|                       |              | 5,800,528   |                                   | Lederman, et al.                                | 9/1/1998   |  |
|                       |              | 6,085,754   |                                   | Alferness                                       | 7/11/2000  | -  |
|                       |              |             |                                   |   |  |  |
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|                       | FOREIGN PATENT DOCUMENTS |  |                     |   |                                       |                              |  |                                    |  |  |  |  |
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| Examiner<br>Initials* | Cite<br>No.1             |  | oreign Patent Do    | cument  | Name of Patentee or                   | Date of Publication of       | Pages, Columns, Lines,                                   | T                                  |  |  |  |  |
|                       |                          | Office <sup>3</sup>                              | Number <sup>4</sup> | Kind Code <sup>5</sup><br>( <i>if known</i> ) | Applicant of Cited Document           | Cited Document<br>MM-DD-YYYY | Where Relevant<br>Passages or Relevant<br>Figures Appear | T6                                 |  |  |  |  |
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<sup>&</sup>lt;sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.



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| -        |                   |          |                      | Application Number     |          |              |  |
| INF      | ORMAT             | ION E    | DISCLOSURE           | Filing Date            |          | March 2,2004 |  |
| STA      | TEMEN             | IT RY    | APPLICANT            | First Named Inventor   | McMurray |              |  |
| •        |                   |          | 7.1. 1. 2. 0.7 1.1.1 | Group Art Unit         |          |              |  |
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| heet     | 2                 | of       | 2                    | Attorney Docket Number | 1373-006 |              |  |

|                       | OTHER PRIOR ART NON PATENT LITERATURE DOCUMENTS |  |                    |  |    |  |  |  |
|-----------------------|---|--|--------------------|--|----|--|--|--|
| Examiner<br>Initials* | Cite<br>No.1                                    | Include name of the author (in CAPITAL LETTERS), title of the artic<br>item (book, magazine, joumal, serial, symposium, catalog, etc.), date,<br>publisher, city and/or country where publ | page(s), volume-   | ate), title of the<br>issue number(s), | T² |  |  |  |
|                       |   | Kass et al., Reverse Remodeling From Cardiomyoplasty In Human I<br>Versus Active Assist, 91 Circulation 2314-2318 (1995)   | Heart Failure: E   | xternal Constraint                     |    |  |  |  |
|                       |   | Oh et al., The Effects of Prosthetic Cardiac Binding and Adynamic (Cardiomyopathy, 116 J. Thorac, Cardiovasc, Surg. 148-153 (1998)   | Cardiomyoplast     | y in a Model of Dilated                |    |  |  |  |
|                       |   | Vaynblat et al., Cardiac Binding in Experimental Heart Failure, 64 A   | nn. Thorac. Sur    | g. 81-85 (1997)                        |    |  |  |  |
|                       |   | Capouya et al., Girdling Effect of Nonstimulated Cardiomyoplasty Thorac. Surg. 867-871 (1993)  | on Left Ventricu   | lar Function, 56 Ann.                  |    |  |  |  |
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